

Message Text

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ACTION IO-14

INFO OCT-01 NEA-14 ISO-00 JUSE-00 SY-04 L-03 FBIE-00

CIAE-00 INR-10 NSAE-00 RSC-01 CPR-02 SS-20 NSC-07

PA-04 PRS-01 USIA-15 DRC-01 /097 W

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R 311315Z MAY 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 4302

INFO USINT CAIRO

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PASS TO JUSTICE DEPT. - FRANK NILAND

E.O. 11652: NA

TAGS: PINS EG US PFOR

SUBJ: INCIDENT AT EGYPTIAN MISSION ON 12/30/73

REF: USUN 5721 OF 12/30/73

1. U.S. ATTORNEY FOR SOUTHERN DISTRICT OF NEW YORK
HAS DECIDED NOT REPEAT NOT TO PROSECUTE KELNER OR
HIKIND IN CONNECTION WITH BREAK-IN AT EGYPTIAN MISSION.

2. REASONS FOR DECISION ARE BASED ON FACTS OF WHAT
HAPPENED AND FEDERAL LAW. ASSISTANT U.S. ATTORNEY
INTERVIEWED EGYPTIANS, FILIPINO RECEPTIONIST AT
EGYPTIAN MISSION AND NEW YORK CITY POLICEMAN. RE-
CEPTIONIST STATES THAT TWO MEMBERS OF JDL SAT DOWN
ON FLOOR OPPOSITE HER. THEY HAD AMERICAN AND ISRAELI
FLAGS WITH THEM. A POLICEMAN WAS CALLED. HE ENTERED
MISSION AND ASKED WHAT THEY WERE DOING. THEY SAID
THEY HAD APPOINTMENT. HE ASKED RECEPTIONIST IF THIS
WERE TRUE. SHE SAID NO. THE TWO JDL MEMBERS WERE ASKED
TO LEAVE AND THE POLICEMAN BENT OVER TO LEAD AT LEAST
ONE JDL MEMBER OUT. AT THAT POINT, FROM FIVE TO TEN

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EGYPTIANS, WHO HAD CONGREGATED IN LOBBY, JUMPED ON TOP

OF TWO JDL MEMBERS AND PUMMELLED THEM. BEFORE JDL MEMBERS COULD LEAVE, AMBASSADOR MEGUID REQUESTED THAT THEY WAIT FOR FBI SO THEY COULD BE ARRESTED. THEY WAITED AND WERE ARRESTED BY FBI AGENTS CALLED TO SCENE.

3. EVIDENCE INDICATES THAT IT WAS JDL MEMBERS WHO WERE ASSAULTED AND NOT EGYPTIANS. FURTHERMORE TESTIMONY GIVEN BY EGYPTIANS TO U.S. ATTORNEY ON SEVERAL POINTS DIAMETRICALLY OPPOSED TO THAT OF RECEPTIONIST AND POLICEMAN. WITH REGARD TO 100 FOOT RULE, THERE MIGHT BE A TECHNICAL VIOLATION, BUT U.S. ATTORNEY IS CONVINCED THAT ANY PROSECUTION WOULD BE UNSUCCESSFUL AND MIGHT WELL EMBARRASS EGYPTIANS.

4. EGYPTIAN WITNESSES TO INCIDENT HAVE RETURNED TO CAIRO. ONLY DIPLOMATIC MEMBER OF MISSION WHO IS ALLEGED TO HAVE WITNESSED INCIDENT IS ALY TEYMOUR, COUNSELOR, WHO IS UNLIKELY TO APPEAR IN COURT. REMAINING WITNESSES ARE FILIPINO RECEPTIONIST AND NEW YORK POLICEMAN. OFFICE OF U.S. ATTORNEY IS CONVINCED THAT UNDER PRESENT CIRCUMSTANCES, ANY PROSECUTION WOULD BE UNSUCCESSFUL AND IS NOT PREPARED TO GO FORWARD WITH THE CASE AT THIS TIME. USUN RELUCTANTLY CONCURS, FIVEN CIRCUMSTANCES.

5. AMB WHITE CALLED AMB MEGUID MAY 24 TO INFORM HIM OF DECISION. WHILE HE AT FIRST PROTESTED THAT THE CASE SHOULD NOT BE DROPPED HE EVENTUALLY CAME AROUND TO SAYING THAT HE WOULD "ACCEPT THE DETERMINATION OF THE AMERICAN JUDICIAL PROCESS", WHICH INCLUDED DECISION OF US ATTORNEY NOT TO PROSECUTE. WE SUSPECT A STRONG ELEMENT IN HIS THINKING WAS CONCERN OVER CHARGES THAT EGYPTIANS HAD ROUGHED UP JDL INTRUDERS.
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